

March 7, 2018

PIN 18-01-CCLD

TO: ALL COMMUNITY CARE PROVIDERS

FROM: *Original signed by Pamela Dickfoss*
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Community Care Licensing Division (CCLD)

SUBJECT: **AB 1008 (CONVICTION HISTORY): IMPACT ON COMMUNITY CARE
LICENSED FACILITIES**

Provider Information Notice (PIN) Summary

PIN 18-01-CCLD clarifies that the “ban the box” standards established by Assembly Bill (AB) 1008, (Chapter 789, Statutes of 2017) do not apply to the hiring of individuals who must complete a background check pursuant to state law, including employees of a facility licensed by CCLD.

Background

AB 1008 established new hiring practice standards, including a requirement that an employer with five or more employees refrain from asking applicants about their conviction history on the initial job application.

Exceptions to AB 1008 Standards

Government Code Section [12952\(d\)](#) provides exceptions to the standards imposed by AB 1008. Individuals who seek employment in facilities licensed by CCLD are one such exception. Specifically, Government Code Section 12952(d)(4) provides that the “ban the box” requirements do not apply “to a position where an employer or agent thereof is required by any state, federal, or local law to conduct criminal background checks for employment purposes or to restrict employment based on criminal history...”

California law requires a prospective employee of a CCLD-licensed facility to complete

a background check prior to initial presence in the facility. Therefore, to the extent that providers hire individuals who are subject to a background check pursuant to Health and Safety Code sections [1522](#), [1568.09](#), [1569.17](#), or [1596.871](#), the limitations imposed by AB 1008, including the ability to ask questions about an applicant's criminal history, do not apply.

Guidance to Providers

Continue to facilitate criminal background checks in accordance with current CCLD requirements, including completion of a criminal record statement on the LIC 508 self-disclosure form. It is the responsibility of each licensee, as an employer, to determine any legal obligations under AB 1008, outside the scope of the exception described in this PIN.

If you have any questions regarding this PIN, please contact your local Regional Office.